

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

HORACE SALLEY,)	
)	
Plaintiff)	
)	
v.)	1:11-cv-00198-JAW
)	
CORRECTIONS OFFICER LIBBY,)	
)	
Defendants)	

RECOMMENDED DECISION

Horace Salley has sued a variety of correctional and medical defendants claiming that they have been deliberately indifferent to his serious medical needs, resulting in physical injury and increased harm to him. On May 16, 2011, I issued an Order that Plaintiff should notify the court no later than June 6, 2011, whether he intends to incur the cost of the filing fee as required by the PLRA and proceed with this action, or whether he intends to forego this litigation at this time. Plaintiff was further advised that failure to fully comply with the Order would result in the issuance of a recommendation to dismiss the Complaint. As of today's date, the court has received no communication from plaintiff. Therefore, I recommend the Complaint be DISMISSED without prejudice in its entirety for Plaintiff's failure to indicate his willingness to incur the cost of the filing fee through deductions from his prison account. In the event that Salley responds to this recommended decision by indicating his intent to proceed and incur the filing cost, the recommendation will be withdrawn and service will be ordered on the defendants.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to

28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within ten (14) days of being served with a copy thereof. A responsive memorandum shall be filed within ten (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

June 8, 2011

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge